

**Notice of Allowability**

Application No.

09/583,886

Examiner

Harold E. Dodds, Jr.

Applicant(s)

GRANA, CLARE

Art Unit

2167

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 11 July 2005.
2. ☒ The allowed claim(s) is/are 1,3,4,11-22,24-56 (renumbered 1-48).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/7/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Harold E. Dodds, Jr.  
Patent Examiner

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with W. Jackson Matney, Jr. on 6 October 2005.

3. The application has been amended as follows:

For claim 1, on line 11 **delete at least one of after** with.

For claim 1, on line 12 **replace comma** with and optionally with **after** receipe database.

For claim 1, on line 12 **delete comma after** nutritional database.

For claim 1, on line 15 **add** wherein said manipulated dietary information comprises a menu of planned meals **after** information.

For claim 4, on line 8 **delete at least one of after** with.

For claim 4, on line 8 **replace comma** with and optionally with **after** recipe database.

For claim 4, on line 21 **add** including a menu of planned meals **after** dietary information.

**Cancel** claim 23.

For claim 24 on line 1 **replace 23** with 1 **after** claim.

For claim 26 on line 1 **replace 23** with 1 **after** claim.

For claim 27 on line 1 **replace 23** with **1 after** claim.

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance: The Examiner finds Applicants' arguments on pages 11-14 of the "Amendment" filed 11 July 2005 concerning a method of communicating manipulated dietary information as amended by examiner's amendment persuasive as applied to independent claims 1 and 4. The Examiner finds that combinations of prior art do not render obvious nor anticipate the combination of recited elements in light of claims 1 and 4. In particular, no prior art or combinations of prior art teach "identifying specific dietary information meeting user criteria, wherein said identifying step comprises said personal database interacting with the menu/recipe database and optionally with the nutritional database or the medication database" and "manipulating said specific dietary information wherein said manipulated dietary information comprises a menu of planned meals".

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

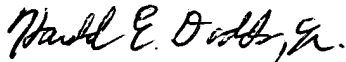
### **CONCLUSION**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Harold E. Dodds, Jr.  
Patent Examiner  
October 7, 2005

  
Primary Examiner  
Art Unit 2167